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Debtors in Possession*

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**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY**

In re:

INVITAE CORPORATION, *et al.*,

Debtors.<sup>1</sup>

Chapter 11

Case No. 24-11362 (MBK)

(Jointly Administered)

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<sup>1</sup> The last four digits of Debtor Invitae Corporation's tax identification number are 1898. A complete list of the Debtors in these chapter 11 cases and each such Debtor's tax identification number may be obtained on the website of the Debtors' claims and noticing agent at <https://www.veritaglobal.net/invitae>. The Debtors' service address in these chapter 11 cases is 1400 16<sup>th</sup> Street, San Francisco, California 94103.

**NOTICE OF AGENDA OF MATTERS**  
**SCHEDULED TO BE HEARD ON JULY 22, 2024, AT 9:00 A.M. (ET)**

To: All Parties Receiving Electronic Notification of Filing  
via the Court's CM/ECF System

**PLEASE TAKE NOTICE** that the matters listed below are currently scheduled to be heard on **July 22, 2024, at 9:00 a.m. (prevailing Eastern Time)** before the Honorable Chief Judge Michael B. Kaplan, Clarkson S. Fisher United States Courthouse, 402 East State Street, Second Floor, Courtroom 8, Trenton, NJ 08608.

**PLEASE TAKE FURTHER NOTICE** that parties intending to present argument or examine witnesses during the hearing must appear **in person**. Instructions to observe the hearing virtually and listen only will be posted on the website of the Debtors' claims and noticing agent (<https://veritaglobal.net/invitae>) prior to the hearing.

**PLEASE TAKE FURTHER NOTICE** that Parties wishing to attend virtually via Zoom and be heard must submit a presenter request to [Chambers\\_of\\_MBK@njb.uscourts.gov](mailto:Chambers_of_MBK@njb.uscourts.gov).

**PLAN CONFIRMATION**

1. Second Amended Joint Plan of Invitae Corporation and Its Debtor Affiliates Pursuant to Chapter 11 of the Bankruptcy Code (Technical Modifications) [Docket No. 856]

**Previously Filed Plans**

- A. Joint Plan of Invitae Corporation and Its Debtor Affiliates Pursuant to Chapter 11 of the Bankruptcy Code [Docket No. 471]
- B. Amended Joint Plan of Invitae Corporation and Its Debtor Affiliates Pursuant to Chapter 11 of the Bankruptcy Code [Docket No. 615]
- C. Notice of Filing of Solicitation Version of the Amended Joint Plan of Invitae Corporation and Its Debtor Affiliates Pursuant to Chapter 11 of the Bankruptcy Code [Docket No. 630]
- D. Second Amended Joint Plan of Invitae Corporation and Its Debtor Affiliates Pursuant to Chapter 11 of the Bankruptcy Code [Docket No. 791]

Plan Supplement Documents

- A. Plan Supplement for the Amended Joint Plan of Invitae Corporation and Its Debtor Affiliates Pursuant to Chapter 11 of the Bankruptcy Code [Docket No. 761]
- B. Amended Plan Supplement for the Second Amended Joint Plan of Invitae Corporation and Its Debtor Affiliates Pursuant to Chapter 11 of the Bankruptcy Code (Technical Modifications) [Docket No. 857]

Confirmation Responses Received

- A. United States Trustee's Objection to the Second Amended Joint Plan of Invitae Corporation and Its Debtor Affiliates Pursuant to Chapter 11 of the Bankruptcy Code [Docket No. 796]
- B. Objection of Ravi Theja Kambhampati and Meghana Seethamraju to Amended Joint Plan of Invitae Corporation and Its Debtor Affiliates Pursuant to Chapter 11 of the Bankruptcy Code [Docket No. 797]
- C. Objection of Integrated DNA Technologies, Inc. to the Second Amended Joint Plan of Invitae Corporation and Its Debtor Affiliates Pursuant to Chapter 11 of the Bankruptcy Code [Docket No. 798]
- D. Objection of Tecan Genomics, Inc. to the Second Amended Joint Plan of Invitae Corporation and Its Debtor Affiliates Pursuant to Chapter 11 of the Bankruptcy Code [Docket No. 799]
- E. The Official Committee of Unsecured Creditors' Objection to Confirmation of the Second Amended Joint Plan of Invitae Corporation and Its Debtor Affiliates Pursuant to Chapter 11 of the Bankruptcy Code [Docket No. 801]
- F. Baker Bros. Advisors LP's Joinder to the Official Committee of Unsecured Creditors' Objection to Confirmation of the Second Amended Joint Plan of Invitae Corporation and Its Debtor Affiliates Pursuant to Chapter 11 of the Bankruptcy Code [Docket No. 802]
- G. Wilmington Savings Fund Society, FSB's (I) Objection to Confirmation of the Amended Joint Plan of Invitae Corporation and Its Debtor Affiliates Pursuant to Chapter 11 of the Bankruptcy Code; and (II) Joinder to Committee's Objection to the Plan [Docket No. 806]
- H. Deerfield's Statement in Support of Confirmation of the Plan and Joinder to the Debtors' Brief in Support of Confirmation [Docket No. 836]
- I. TFS Entities' Limited Joinder to the Objections of (1) the United States Trustee, and (2) the Official Committee of Unsecured Creditors' [sic] to Confirmation of the Second Amended Joint Plan of Invitae Corporation and Its Debtor Affiliates [Docket No. 852]

**Status:** The objections of the U.S. Trustee [Docket No. 796] and the Committee [Docket No. 801], and the associated joinders by Baker Bros. Advisors LP [Docket No. 802] and the TFS Entities [Docket No. 852] are going forward on a contested basis.

Confirmation Brief and Declarations in Support of Confirmation

- A. Debtors' Memorandum of Law in Support of the Debtors' Second Amended Joint Plan of Invitae Corporation and Its Debtor Affiliates Pursuant to Chapter 11 of the Bankruptcy Code [Docket No. 835]
- B. Declaration of Jill Frizzley [Docket No. 735]
- C. Declaration of Randy Scott [Docket No. 736]
- D. Declaration of James Lee with Respect to the Tabulation of Votes on the Amended Joint Plan of Invitae Corporation and Its Debtor Affiliates Pursuant to Chapter 11 of the Bankruptcy Code [Docket No. 837]
- E. Declaration of Ana Schrank, Chief Financial Officer of Invitae Corporation, in Support of Confirmation of the Second Amended Joint Plan of Invitae Corporation and Its Debtor Affiliates Pursuant to Chapter 11 of the Bankruptcy Code [Docket No. 838]
- F. Declaration of Andrew Spirito, Managing Director of FTI Consulting, in Support of Confirmation of the Second Amended Joint Plan of Invitae Corporation and Its Debtor Affiliates Pursuant to Chapter 11 of the Bankruptcy Code [Docket No. 839]
- G. Declaration of Andrew Swift in Support of Confirmation of the Second Amended Joint Plan of Invitae Corporation and Its Debtor Affiliates Pursuant to Chapter 11 of the Bankruptcy Code [Docket No. 841]

Proposed Confirmation Order

- A. *Proposed* Findings of Fact, Conclusions of Law, and Order Confirming the Second Amended Joint Plan of Invitae Corporation and Its Debtor Affiliates Pursuant to Chapter 11 of the Bankruptcy Code [Docket No. 858]

Other Related Documents

- A. Debtors' Witness and Exhibit List for July 22, 2024 Plan Confirmation Hearing [Docket No 843]
- B. Declaration of David Dunn in Support of the Official Committee of Unsecured Creditors' Objection to Confirmation of the Second Amended Joint Plan of Invitae Corporation and Its Debtor Affiliates Pursuant to Chapter 11 of the Bankruptcy Code [Docket No. 847]
- C. The Official Committee of Unsecured Creditors' Witness and Exhibit List for the July 22, 2024 Hearing [Docket No. 851]
- D. Deerfield's Reservation of Rights with Respect to Witness and Exhibit Lists Filed by the Parties to the July 22, 2024 Hearing [Docket No. 855]

**CONTESTED MATTER GOING FORWARD**

- 2. The Official Committee of Unsecured Creditors' Objection to the 2028 Senior Secured Note Claims [Claim Nos. 360, 378, 379, 380, 381, 382] [Docket No. 528]

Responses/Objections

- A. Joinder and Supplemental Statement of U.S. Bank Trust Company, National Association, as Trustee and Collateral Agent, to Deerfield Partners L.P.'s (I) Objection to the Committee's Standing Motion and (II) Response to the Committee's Objections to the Make Whole Amount [Docket No. 720]
- B. Deerfield's (I) Objection to the Committee's Standing Motion and (II) Response to the Committee's Objections to the Make Whole Amount [Docket No. 728]
- C. The Official Committee of Unsecured Creditors' Reply Brief in Further Support of Its Objection to the 2028 Senior Secured Note Claims [Claim Nos. 360, 378, 379, 380, 381, 382] [Docket No. 750]
- D. Debtors' Joinder to Deerfield Partners, L.P.'s Response to the Committee's Claim Objection [Docket No. 751]
- E. Joint Response of Deerfield and U.S. Bank Trust Company, National Association, as Trustee and Collateral Agent, in Opposition to the Committee's Remaining Objections to Claims No. 360, 378, 379, 380, 381 and 382 [Docket No. 800]
- F. The Official Committee of Unsecured Creditors' Reply in Further Support of Its Objection to the 2028 Senior Secured Note Claims [Claim Nos. 360, 378, 379, 380, 381, 382] (Non-Make-Whole Arguments) [Docket No. 833]

- G. Debtors' Joinder to the Joint Response of Deerfield and U.S. Bank Trust Company, National Association, as Trustee and Collateral Agent, in Opposition to the Committee's Remaining Objections to Claims No. 360, 378, 379, 380, 381, and 382 [Docket No. 842]

Related Documents

- A. Declaration of Terence Fox-Karnal in Support of Deerfield Partners L.P.'s (I) Objection to the Committee's Standing Motion and (II) Response to the Committee's Objections to the Make Whole Amount [Docket No. 740]

**Status:** This matter is going forward on a contested basis.

**OTHER MATTERS**

3. Natera Inc.'s Motion for Relief from Stay to Effectuate a Setoff Pursuant to Sections 362 and 553 of the Bankruptcy Code [Docket No. 670]

Related Documents

- A. Natera Inc.'s Motion to File Under Seal Natera's Motion for Relief from Stay to Effectuate a Setoff [Docket No. 671]
- B. Natera Inc.'s Motion for Relief from Stay, Pursuant to Section 362 of the Bankruptcy Code, to Initiate Delaware State Law Proceeding [Docket No. 711]
- C. Natera Inc.'s Motion to File Under Seal Natera's Motion for Relief from Stay, Pursuant to Section 362 of the Bankruptcy Code, to Initiate Delaware State Law Proceeding [Docket No. 712]

**Status:** This matter is resolved through language added to the Confirmation Order.

4. Motion of Ravi Theja Kambhampati and Meghana Seethamraju for Relief from Automatic Stay [Docket No. 794]

Related Documents

- A. Ravi Theja Kambhampati and Meghana Seethamraju's Application for Order Shortening Time [Docket No. 795]
- B. Order Shortening Time Period for Notice, Setting Hearing and Limiting Notice [Docket No. 808]

**Status:** This matter is resolved, and the parties have submitted a stipulation to Chambers prior to the hearing.

5. Motion of Tecan Genomics, Inc. for Entry of an Order Pursuant to 11 U.S.C. §§ 105(a) and 502(c) Estimating Tecan's Claims for All Purposes in These Chapter 11 Bankruptcy Cases [Docket No. 758]

Responses/Objections

- A. Objection of Integrated DNA Technologies, Inc. to Motion of Tecan Genomics, Inc. for Entry of an Order Pursuant to 11 U.S.C. §§ 105(a) and 502(c) Estimating Tecan's Claims for All Purposes in These Chapter 11 Cases [Docket No. 804]
- B. Debtors' Objection and Reservation of Rights to the Motion of Tecan Genomics, Inc. for Entry of an Order Pursuant to 11 U.S.C. §§ 105(a) and 502(c) Estimating Tecan's Claims for All Purposes in These Chapter 11 Bankruptcy Cases [Docket No. 827]
- C. Deerfield Partners L.P.'s Joinder to Debtors' Objection and Reservation of Rights to the Motion of Tecan Genomics, Inc. for Entry of an Order Pursuant to 11 U.S.C. §§ 105(a) and 502(c) Estimating Tecan's Claims for All Purposes in These Chapter 11 Bankruptcy Cases [Docket No. 829]

Related Documents

- A. Application for an Order Shortening Time for Hearing on the Motion of Tecan Genomics, Inc. for Entry of an Order Pursuant to 11 U.S.C. §§ 105(a) and 502(c) Estimating Tecan's Claims for All Purposes in These Chapter 11 Bankruptcy Cases [Docket No. 768]
- B. Order Shortening Time Period for Notice, Setting Hearing and Limiting Notice [Docket No. 771]

**Status:** This matter is resolved.

*[Remainder of page intentionally left blank]*

Dated: July 21, 2024

*/s/ Michael D. Sirota*

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